

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA,
PLAINTIFF,**

v.

**LUIS VALENCIA (1),
DEFENDANT.**

*
*
*
*
*
*
*

CAUSE NO. SA-17-CR-882-DAE

**GOVERNMENT’S MOTION FOR ADDITIONAL TIME
TO RESPOND IN OPPOSITION TO
DEFENDANT’S MOTION TO DIMISS THE INDICTMENT (DKT # 164)**

TO THE HONORABLE DAVID A. EZRA, SENIOR UNITED STATES DISTRICT
JUDGE:

The United States of America opposes the motion to dismiss the indictment filed by Defendant Luis Valencia based upon “lack of authority to prosecute,” (Dkt #164), and respectfully states:

I.

On November 12, 2018, Defendant Luis Valencia filed a motion urging this Court to dismiss the indictment in this case, based on lack of authority of counsel for the United States to prosecute this case. The customary due date for the government to file a response would be Friday, November 23, 2018.

The Department of Justice has instructed counsel for the United States to file a motion requesting a larger, indefinite period of time to file a response. The instant motion is one of many similar motions filed in Federal District Court over the last several days. The Department of Justice intends to create a uniform response for filing in response to these motions.

Counsel for the United States has made inquiry, but does not know, when the uniform response from the Department of Justice will be completed and ready for filing.

The United States of America respectfully requests that this Court grant an extension of time to file the government's response in opposition to the motion of Luis Valencia to dismiss the indictment based upon lack of authority to prosecute, or alternatively, deny the defendant's motion to dismiss the indictment as meritless.

JOHN F. BASH
United States Attorney

 //s//
BUD PAULISSEN
Assistant United States Attorney
Texas State Bar No. 15643450
601 NW Loop 410, Suite 600
San Antonio, Texas 78216-5512
(210) 384-7126
(210) 384-7028 FAX

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2018, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System that will transmit notification of such filing to all counsel of record in this case.

/s/

BUD PAULISSEN

Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA,
PLAINTIFF,**

v.

**LUIS VALENCIA (1),
DEFENDANT.**

*
*
*
*
*
*
*

CAUSE NO. SA-17-CR-882-DAE

**ORDER GRANTING THE GOVERNMENT ADDITIONAL TIME TO
RESPOND IN OPPOSITION TO LUIS VALENCIA'S MOTION TO DISMISS
INDICTMENT
(BASED ON LACK OF AUTHORITY TO PROSECUTE-DKT #164)**

Defendant Luis Valencia moved this Court to dismiss the indictment against him in this case, based on the assertion that the government lacks authority to prosecute this case against him. Within the time to respond, the government requested additional time to file a response in opposition to that motion.

The Court finds that, given the interest of the Department of Justice to file a uniform response to such motions that were recently filed nation-wide, the government's request for additional time is reasonable.

The Court ORDERS that the United States must file its Response in Opposition to Defendant's Motion to Dismiss Indictment (Dkt #164) by

_____, 2018.

SIGNED this ____ date of _____, 2018.

DAVID A. EZRA
SR. UNITED STATES DISTRICT JUDGE